THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION Nos.24102 of 1999;
768 of 2004; and
2257,2425, 2623,2624,2627, 2632, 2644, 2661,2662,3057, 3252,
3257,3544, 3942, 4342, 4591, 4768, 5617,6359, 6371, 6987,
7037,7038, 7339, 7695, 7704,7707, 7751,7907,
8161,9680,9699,13984,15711, 20824 and 27973 of 2005; and
7932, 13637 and 14986 of 2006.

Common order:

The issue that arises for consideration in all these writ petitions is one and the same and, therefore, they are being disposed of by a common order.

In all these writ petitions, the question that falls for consideration is as to the legality and validity of the order of rejection of their candidature by the Superintending Engineer whereunder he rejected the cases of the petitioners for appointment as LDC/Typist/Sub-Engineer/JLM (ST only) under 50 per cent quota as per B.P.Ms.No.36 dated 18-5-1997.

The case of the petitioners is that all of them have worked as casual labourers under a Contractor of the respondent organization as on the crucial date i.e., 18-5-1997 and as such they are entitled to be considered for appointment.

In an earlier round of litigation, the petitioners have approached this Court and this Court directed the respondents to consider the cases of the petitioners and if found eligible appoint them in the respective posts. Under the present impugned order, their cases have been rejected on the following ground:

"You are not on rolls as on 18-5-1997".

Aggrieved by the said rejection orders, these writ petitions are filed.

The respondents filed a counter affidavit stating that as per the records, agreement entered with the contractor for LS No. 42/96-97

commenced on 7-8-1997 and concluded on
14-8-1997. Therefore, as per the official records it was clearly established that the petitioners were not on rolls as on the
crucial day i.e., 18-5-1997. Hence the impugned order is justified.

Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents.

The learned counsel for the petitioners submits that the impugned rejection order is passed without giving any valid reason. Though in the counter-affidavit filed by the respondents it is stated that the L.S. agreement and other connected records do not indicate that the petitioners are not on rolls as on that day, the rejection order, however, does not indicate the details of LS agreement, such as commencement of work and ending of work. These are the matters to be reconsidered by the Chief General Manager of the respondent organization with the relevant records.

The learned Standing counsel submits that as per the bio-data submitted by the petitioners and on verification of the same by the respondents, the respondents found that the petitioners are not on rolls as on 18-5-1997, therefore, they have passed the impugned order.

At this stage, both the counsel agreed that the Court may dispose of the writ petitions with a direction to the Chief General Manager of the respondent organization to reconsider the issue with relevant records. The learned counsel for the petitioners sought liberty to produce relevant documents to substantiate their claim that they are on rolls as on the cut off date i.e., on 18-5-1997.

Having regard to the facts and circumstances of the case and in view of the agreed stand taken by both the counsel, I deem it proper to dispose of the writ petitions with the following directions:

1. The petitioners are at liberty to produce all the relevant material before the Chief General Manager of the respondent organization on or before 24-2-2007 to substantiate their claim.
2. On receiving such material, the Chief General

Manager is directed to reconsider the case of the petitioners in the light of the material to be produced by the petitioners and the record available with them and pass a speaking order as expeditiously as possible.

With the observations as above, all the writ petitions are disposed of. There shall be no order as to costs.

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N.V.RAMANA, J

3rd January, 2007
grk/tvk/ksr

Note: Issue C.C. today.
B/o

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Dated:03-01-2007